



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: RABUSSAY, Dietmar P.  
1C/516,757  
Filed: December 4, 2004  
Title: Minimizing metal toxicity during electroporation enhanced delivery of polynucleotides

Examiner: To Be Assigned  
Group Art Unit: To Be Assigned  
Docket: GTI-1490-US

## INFORMATION DISCLOSURE STATEMENT (1)

Mail Stop: AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Legal Staff  
International Division

Dear Sir/Madam,

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicant respectfully requests that this Information Disclosure Statement be entered and the documents listed on the attached Form SB08A be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicant requests that a copy of the SB08A form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

The listed documents are being submitted in compliance with 37 CFR § 1.97(b), before the mailing date of the first office action on the merits.

CERTIFICATE OF MAILING PURSUANT TO 37 CFR § 1.8:

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop: AMENDMENT, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Daniel M. Chambers  
(Printed Name)

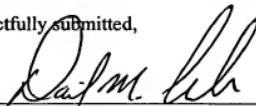
Signature

*22 Dec 2006*  
(Date of Deposit)

If any fees are due, please contact the undersigned attorney at (858) 350-9690.

The Examiner is invited to contact the Applicant's Representative at the below-listed telephone number if there are any questions regarding this communication.

Respectfully submitted,

By   
Daniel M. Chambers

Reg. No. 34,561

Date: 22 Dec 2006  
BioTechnology Law Group  
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Substitute for form 1449(A)PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
(Use as many sheets as necessary)

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Complete if Known

|                      |                       |
|----------------------|-----------------------|
| Application Number   | 11/16,757             |
| Filing Date          | December 4, 2004      |
| First Named Inventor | Rabussay, Dietmar P.  |
| Group Art Unit       | To Be Assigned - 1655 |
| Examiner Name        | To Be Assigned Tate   |

Attorney Docket No: GTI-1490-US

Sheet 1 of 1

**US PATENT DOCUMENTS**

| Examiner Initials* | Cite No.* | USP Document Number | Publication Date | Name of Patentee or Applicant of cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------|---------------------|------------------|---|---|
| A1.                |           | US 6,120,493        | 19 Sep 2000      | Hoffman   |   |
| A2.                |           | US 5,810,762        | 22 Sep 1998      | Hofmann   |   |
| A3.                |           | US 5,439,440        | 08 Aug 1995      | Hofmann   |   |
| A4.                |           | US 5,273,525        | 28 Dec 1993      | Hofmann   |   |
| A5.                |           | US 5,128,257        | 07 Jul 1992      | Baer  |   |

**FOREIGN PATENT DOCUMENTS**

| Examiner Initials* | Cite No.* | Foreign Document No | Publication Date | Name of Patentee or Applicant of cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T <sup>2</sup> |
|--------------------|-----------|---------------------|------------------|---|---|----------------|
| A6.                |           | WO 01/07585 A       | 01 Feb 2001      | Regents Univ. of CA                             |   |                |
| A7.                |           | WO 99/22810         | 14 May 1999      | Hisamitsu Pharm. Co.                            |   |                |

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

| Examiner Initials* | Cite No.* | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|--------------------|-----------|---|----------------|
| A8.                |           | BOON, T., "Teaching the immune system to fight cancer." <i>Scientific American</i> 268(3):82-89 (March 1993)  |                |
| A9.                |           | DEV et al., "Medical applications of electroporation," <i>IEEE Transactions on plasma science</i> , 28(1):206-223 (2000)  |                |
| A10.               |           | FEWELL et al., "Gene therapy for the treatment of hemophilia B using PINC-formulated plasmid delivered to muscle with electroporation," <i>Molecular Therapy</i> 3:574-583 (2000)   |                |
| A11.               |           | GLASSPOOL-MALONE et al., "Efficient nonviral cutaneous transfection," <i>Molecular Therapy</i> 2:140-146 (2000)   |                |
| A12.               |           | HOFMANN et al., "Electroporation therapy of solid tumors," <i>Critical Reviews in Therapeutic Drug Carrier Systems</i> 16(6):523-569 (1999)   |                |
| A13.               |           | TOMOV et al., "Are the stainless steel electrodes inert?," <i>Bioelectrochemistry</i> 51(2):207-209 (2000)  |                |
| A14.               |           | ZELPHATI et al., "PNA-dependent gene chemistry: stable coupling of peptides and oligonucleotides to plasmid DNA," <i>Biotechniques</i> 28:304-310, 312-314; 316 (2000)  |                |
| A15.               |           | ZHANG et al., "Enhanced delivery of naked DNA to the skin by non-invasive <i>in vivo</i> electroporation," <i>Biochim. Biophys. Acta</i> 1572(1):1-9 (2002)   |                |

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /C.R.T./

EXAMINER /Christopher Tate/

DATE CONSIDERED 12/14/2009

Substitute Disclosure Statement Form (PTO-1449)

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw one through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional) 2 Applicant is to place a check mark here if English language Translation is attached

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

192

|                        |                      |
|------------------------|----------------------|
| Application Number     | 10/516,757           |
| Filing Date            | December 4, 2004     |
| First Named Inventor   | RABUSSAY, Dietmar P. |
| Art Unit               | To Be Assigned       |
| Examiner Name          | To Be Assigned       |
| Attorney Docket Number | GTI-1490-US          |

## ENCLOSURES (Check all that apply)

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| <input type="checkbox"/> Amendment/Reply   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
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| <input type="checkbox"/> Certified Copy of Priority Document(s)                                    | <input type="checkbox"/> CD, Number of CD(s) _____                        | <input type="checkbox"/> • SB/08 Form (1 page)  |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application                            | <input type="checkbox"/> Landscape Table on CD                            | <input type="checkbox"/> • 10 References (10 items)                                     |
| <input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 |   | <input type="checkbox"/> • Return Postcard (1 item)                                     |
| <b>Remarks</b>   |   |   |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |                         |          |        |
|--------------|-------------------------|----------|--------|
| Firm Name    | BioTechnology Law Group |          |        |
| Signature    |                         |          |        |
| Printed name | Daniel M. Chambers      |          |        |
| Date         | 22 Dec 2006             | Reg. No. | 34,561 |

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

|                       |                    |
|-----------------------|--------------------|
| Signature             |                    |
| Typed or printed name | Daniel M. Chambers |
| Date                  | 22 Dec 2006        |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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